and gas estate are owned by different parties. CBM royalties now being paid to the owner of the oil and gas estate would instead be due to the owner of the coal estate. Where the federal government owns the coal estate but not the oil and gas estate, the federal government could begin collecting CBM royalties; where the government owns the oil and gas estate but not the coal estate, the government might have to cease collecting CBM royalties. According to the Department of the Interior (DOI), the former of these two cases would be common and the latter case would be rare. But because the ruling by the 10th Circuit Court could be appealed to the U.S. Supreme Court or could be contradicted by a ruling in a different circuit court of appeals, DOI will not consider collecting such CBM royalties until the interpretation of current law is clear.

S. 2500 would provide that, for any lease in effect on or before enactment of the bill that allows for CBM production and where the federal government retains ownership of the coal estate, existing lessees would continue to pay CBM royalties to nonfederal owner of the oil and gas estate.

For purposes of this estimate, CBO assumes that, in the absence of the bill, the current situation will continue for the foreseeable future—that is, the federal government will not collect CBM royalties on existing leases when it owns only the coal estate. Therefore, we estimate that enacting S. 2500 would not affect offsetting receipts from mineral production and any associated payments to states over the next five years. Another outcome is possible, however. If the ruling of the 10th U.S. Circuit Court of Appeals is subsequently upheld, enacting the bill could result in a loss of offsetting receipts that the federal government would otherwise collect for certain CBM production. CBO has little information about the size of the potential losses, but they could be less than $1 million or as much as several million dollars a year.

The CBO staff contact is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.●

A TRIBUTE TO SUSY SMITH

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to Susy Smith, who has served as my Legislative Director for nearly my entire Senate career. Her contributions to my legislative efforts have been without parallel, and she leaves with an impressive record of achievement and the profound respect of all who have been fortunate enough to work with her.

Susy is one of those unique people who knows how to make government work for its people. Her work in the Carter administration, along with her more than ten years as a top level congressional aide to Congressman Norm Mineta, Senator BARBARA MIKULSKI, and myself, have been a testament to both her talent and commitment to public service. Her quiet leadership, innate sense of judgment, and uncanny ability to stay on top of dozens of issues pending before the Senate made her an enormously valuable asset to my office.

Susy also possesses a deep and abiding faith in the American political process, and the role that Congress plays in our constitutional system of government. She has helped me imbue my staff with a sense of their duty to serve the people of California, together with the knowledge that the work we do here truly makes a difference in people's lives back home.

Susy has played a vital role in helping to pass some of my most important legislative initiatives such as the Desert Protection Act, the Assault Weapons Ban, and the Breast Cancer Research Stamp Act. In fact, over the past 5 years, Susy has put her indelible stamp on every piece of legislation that came out of my office. Her hard work has paid off not just for the people of California, but for the entire Nation—in safer streets, in more money for cancer research, in better health care for America's women, and in national parks that all of us can enjoy, to name just a few.

What stands out most about Susy is her wonderful ability to bring out the best of everyone. Her good judgement, great sense of humor, and supportive nature carried the staff through many tough battles, long days, and stressful times. She is not only a sharp political strategist and astute policy analyst, but a terrific manager and steadying presence in the office. I have appreciated her professional spirit and have placed much confidence in her decision making and perspective.

So it is with a deep sense of admiration, some sadness, and heartfelt good wishes that my staff and I say goodbye to Susy, secure in the knowledge that she will be just as successful in all her future endeavors as she has been working in the U.S. Senate.●

PATIENT PROTECTIONS

● Mrs. BOXER. Mr. President, I wish to express how disappointed I am that the 105th Congress has failed to act on legislation to increase protections for the millions of Americans whose health insurance benefits are managed by health maintenance organizations (HMOs).

The Patients' Bill of Rights legislation, which was introduced by the Democratic Leader, Senator DASCHLE, and cosponsored by me and most of my Democratic colleagues, was endorsed by over 180 organizations, including the American Medical Association, the American Nurses Association, and the AARP.

The Patients' Bill of Rights would have given protections to all 161 million privately insured Americans. It would have: Guaranteed patients access to emergency room services; ensured access to specialists for patients with serious or chronic conditions; given women direct access to the OB/GYN, and allowed them to designate their OB/GYNs as primary care doctors; allowed patients to appeal their insurance companies' decisions to an independent reviewer and receive timely decisions that would be binding on HMOs; protected doctors and nurses who advocate for their patients from being fired by an HMO; prohibit insurance companies from arbitrarily interfering with the decisions of doctors; ensured that doctors be able to decide which medications their patients should receive; and limited the ability of insurance companies to use financial incentives to get doctors to deny patient care.

It is unfortunate that the Majority Leader would not allow a vote on the Patients' Bill of Rights. But this fight is not over. Americans continue to demand that their HMOs be held accountable for putting profits ahead of patients. Supporters of the Patients' Bill of Rights continue to believe that doctors—not HMO accountants—should make medical decisions.

I urge the leadership of the 106th Congress, which will convene in January, 1999, to immediately schedule a debate and vote on the Patients' Bill of Rights, in order to secure basic patient protections for the 60 percent of all Americans who get their health insurance through HMOs.●

COLUMBIA UNIVERSITY LAW PROFESSOR RICHARD N. GARDNER

● Mr. MOYNIHAN. Mr. President, I rise to offer my congratulations to the former United States Ambassador to Spain, Richard N. Gardner who earlier this year received the Thomas Jefferson Award for his service during his tenure in Madrid.

Since its inception in 1993, the Thomas Jefferson Award has been given annually by American Citizens Abroad to the State Department employee who has ''done the most for American citizens overseas.'' After consulting American clubs, Chambers of Commerce, and individual Americans around the world, American Citizens Abroad announced in Geneva that Richard Gardner was this year's recipient. The Ambassador was commended for his assistance to U.S. business, his establishment of twenty new scholarships for young Spaniards to study in the States, and for his frequent and informed articles in Spanish publications.

Richard Gardner currently serves as the Henry L. Moses Professor of Law and International Organization at Columbia University Law School. He has spent a lifetime devoted to promoting international stability. He recognizes as only too few do the value of international law in the world.

I ask that his article ''Why U.N. Dues Aren't Optional'' from The International Herald Tribune be printed in the RECORD and with appreciation and admiration I extend my congratulations to Ambassador Gardner and his wife, Danielle, on this most splendid and deserved award.

The article follows:

[From the International Herald Tribune, Mar. 11, 1998]

WHY UN DUES AREN'T OPTIONAL

(By Richard N. Gardner)

NEW YORK.—A top priority for the Clinton administration is to persuade Congress to

pay more than $1 billion in back dues to the United Nations. Failure to do so would undermine critical UN operations in peacekeeping and development and further diminish U.S. influence in the world organization.

Complicating the administration's task is a new and fallacious idea, accepted by many members of Congress, that America has no legal obligation to pay its UN debts.

Last fall the Senate Foreign Relations Committee declared that the UN Charter ''in no way creates a 'legal obligation'" on the U.S. Congress to provide the money to pay the dues. In justification, the committee wrote: ''The United States Constitution places the authority to tax United States citizens and to authorize and appropriate those funds solely in the power of the United States Congress.''

Those statements reflect a dangerous misunderstanding of the relation between international and domestic law.

The UN Charter is a treaty that legally binds every UN member. Of course, a treaty cannot override the U.S. Constitution; Congress is free as a matter of domestic law to violate U.S. obligations under international law.

But these truisms do not alter the facts: If Congress exercises its constitutional right to violate a treaty, America still has a legal obligation to other countries, and refusal to live up to U.S. commitments can have legal consequences.

There is no international police force to enforce international law, but nations generally observe treaty obligations because of a desire for reciprocity and fear of reprisal.

In 1961, when the Soviet Union refused to pay its assessments for the Congo and Middle East peacekeeping operations, Republican and Democratic members of Congress insisted that the United States go to the World Court to get an advisory opinion that the Soviet Union had a legal obligation to pay.

The U.S. brief to the court, in whose preparation I had a part, stated: ''The General Assembly's adoption and apportionment of the organization's expenses create a binding legal obligation on the part of the member states to pay their assessed shares.'' In 1962, the court agreed with that proposition, and the General Assembly accepted it.

Article 19 of the UN Charter provides that a country in arrears of its assessments by two full years shall lose its vote in the General Assembly. The assembly, in an unfortunate failure of political will, failed to apply that sanction to the Soviet Union when it became applicable in 1964. Nevertheless, the assembly recently has regularly applied the loss-of-vote sanction.

We are not just dealing here with legal technicalities, but with realpolitik in the best sense of the word. If nations were free to treat their UN assessments as voluntary, the financial basis of the organization would quickly dissolve.

Some Americans would not mind it if the United Nations' financial support unraveled. They do not seem fully to appreciate how important the United Nations' work in conflict resolution, peacekeeping, sustainable development, humanitarian relief and human rights can be for America.

If the United States has no legal obligation to live up to its treaties and other international agreements, neither do other countries. Then, any country would be free to violate any legal commitment it has made to America, whether to open its domestic market, reduce its nuclear arsenal, provide basing for U.S. ships and aircraft, extradite or prosecute terrorists or refrain from poisoning the global environment.●

CARNEY J. CAMPION

● Mrs. BOXER. Mr. President, I rise today to honor the retirement of Mr. Carney J. Campion. Mr. Campion has served California's Golden Gate Bridge, Highway and Transportation District for 23 years with a standard of excellence that deserves our recognition.

As a Californian, and on behalf of all Californians, I want to personally thank Mr. Campion for his years of dedicated and outstanding service. Over the past 14 years, as general manager of the Golden Gate Bridge, Highway and Transportation District, Mr. Campion has been instrumental in advancing numerous projects aimed at improving the transportation infrastructure for California's future. His commitment to find better ways to serve the public was exemplified in his successful effort to modernize and expand the District's bus transit and administration facility in San Rafael. It was his leadership that sparked the purchase and preservation of the abandoned Northwestern Pacific Railroad right-of-way from Novato, California, north to Willits, California, for future transportation use. His innovative spirit led to many improvements of the Golden Gate Bridge and under his leadership the huge 50th Anniversary Celebration for the bridge was a roaring success. I was fortunate to have worked closely with him on a number of occasions, most recently in obtaining desperately needed federal funding for a portion of the $217 million seismic retrofit of the Golden Gate Bridge.

Mr. Campion has also served as a diplomat by managing to bridge the political gap between San Francisco and North Bay representatives on the span's board. He deserves our admiration for performing his job superbly while continuing to display his commitment to best representing the interests of Marin, San Francisco and, most of all, the bridge which is a world-renowned landmark of my great state, the Golden Gate Bridge.

Mr. President, Mr. Campion's ability to function effectively and creatively during his years of service are worthy of our unmeasurable gratitude. With Mr. Campion's retirement, the Golden Gate Bridge and the citizens of my state are losing the services of a committed and intelligent man. I wish him all the best, and hope his retirement is as fulfilling as his career.●

MEDICARE CERTIFICATION

● Mr. LEVIN. Mr. President, for the last few years, I have been working on an issue of great importance to my constituents in Flint, Michigan. The city of Flint is home to an outstanding medical facility, Hurley Medical Center. A subsidiary of Hurley Medical Center owns a nursing home, Heartland Manor, also located in Flint. Heartland Manor has applied to HCFA for Medicare certification which it has been attempting to do since 1994. However, Heartland Manor has been thwarted in this process at every turn by HCFA. I would like to lay out the facts of this situation for the record.

On July 27, 1989, Chateau Gardens, a nursing home facility, was terminated from the Medicare program. On January 1, 1994, West Flint Village Long Term Care Inc., a subsidiary of Hurley Foundation, purchased Chateau Gardens. The new owner, Hurley Medical Center, is a non profit public hospital with an excellent reputation. State officials requested that Hurley Medical Center take over Heartland Manor. In taking over the facility, the entire staff and management of the nursing home was changed. In 1994 Heartland Manor applied for certification into the Medicare program as a new, prospective, provider. Heartland Manor had never before entered into a Medicare participation agreement and had never been issued a provider number. However, HCFA chose to consider Heartland as a re-entry provider and Heartland was subsequently denied participation into the Medicare program based in large part on violations which HCFA carried over from the previous owner. If Heartland Manor had been treated as a new provider, it would have been approved and would presently be in the Medicare program.

The complaints that have been cited against Heartland Manor itself are typical of complaints which are lodged against many established and reputable nursing homes. In fact, the citations which Heartland Manor has received have consistently been either deleted or reduced in their determination of scope and severity. I recently reviewed eight complaints that were levied against Heartland Manor in August. None of the complaints represented a determination of a deficient facility practice.

Hurley Medical Center is planning to build a new complex that will bring state of the art care to an underserved area. The only barrier to this undertaking is Heartland's lack of Medicare certification. Once Heartland Manor receives Medicare certification, Hurley plans to put $10 million into renovating Heartland Manor.

I believe that Heartland Manor deserves to be treated as a new provider as was determined by Administrative Law Judge Stephen Ahlgren's February 26, 1998 ruling. It is illogical and unconscionable that HCFA is refusing to treat Heartland Manor as a new provider.

Mr. President, I had hoped that we could have resolved this issue in the appropriations process. It was my intent to offer an amendment to the Labor Health and Human Services and Education Appropriations Bill that would have required that HCFA consider Heartland Manor to be a new provider for Medicare certification purposes. That bill never showed up on the floor but instead was wrapped into an omnibus nonamendable conference report.